

WILL OF A MURDERED GAMBLER

FORGED, SAYS FATHER, LOST AND FOUND, SAYS WIDOW.

Harry Jacobs' wife had administered his estate for a year. When his father sued for an accounting she produced a missing will leaving all to her. Surrogate Fowler closed yesterday's testimony in a case in which he said the facts are more difficult to determine from the testimony than in any proceeding he has heard. The proceeding was brought by Isaac Jacobs of 84 West 11th street to prevent the proctor of an alleged will of his son, Harry Jacobs, who had been running gambling houses in Harlem for years when he was murdered on March 22, 1910, by Joseph Mansfield, who had applied to him for a loan, and who died later of tuberculosis.

Jacobs lived at the Hotel Cecil. His widow, Anna Jacobs, and his father were the only heirs at law. The widow applied for letters of administration on the ground that no will was found, and she had been in charge of the estate for about a year when her father-in-law filed a demand for an accounting. A short time after Mrs. Jacobs offered for probate an alleged will in which the entire estate was left to her. The witnesses were Morris Englander of Chicago and Nathan L. Heins. Isaac Jacobs filed objections, alleging that the signature of his son was forged.

In the proceedings before Surrogate Fowler Mrs. Jacobs said that following her husband's death she had a severe nervous breakdown and was attended by a nurse. In their apartments was a large desk owned by her husband, which she asked the nurse to search for documents. The nurse searched the desk and, after finding only some sheet music and a tracing chart, the desk was then locked and Mrs. Jacobs sent it to her brother, Harry Jacobs, in Chicago.

Mrs. Jacobs said she thought no more about the desk until last spring, when she went to Chicago to visit her brother. She saw the desk and, after talking to him, asked him what was in it. He said he had never opened it because he had no key. Mrs. Jacobs said she found the key to a dresser that had been in the room. When she opened the desk she found the will in plain sight in one of the pigeon holes.

Englander, one of the witnesses, testified that he had been in New York for some years until March, 1910. He was passing the Hotel Cecil on March 15, he said, and met Jacobs. Jacobs asked him if he had any engagement for the evening, and he said no. Heins came along, and he also was disengaged, so both went to Mr. Jacobs' apartment and smoked. Jacobs then showed them the uncertainty of life, and Mr. Jacobs brought out a typewritten document that he said was his will. At his request they signed it. Jacobs then took the document to the room, they said, although Jacobs had told them he had drawn the will himself.

The contestant offered testimony to show that no such meeting occurred in Jacobs' apartment on the night in question. Mrs. Sarah Finkelstein, who testified that she slept with Mrs. Jacobs that night, said that Jacobs had been in a restaurant near by at the hour when the will was alleged to have been executed and did not come in until 4 A. M., when he went to sleep on a couch. Mrs. Jacobs said that this testimony was false.

BEATEN UP BY NEGROES.

Young Warda says he was drunk when he provoked the attack. Policeman O'Steen, at the Bedford avenue station, Williamsburg, was at Broadway and Hovess street at 10 o'clock yesterday morning when he was told that several negroes were beating a young white man at South Fourth and Hovess streets. He found John Warda, the nineteen-year-old son of a Greenpoint chemical manufacturer who lives at 10 Hooper street, lying on the sidewalk. Among a half dozen who had not run away were three women and Ethel Miller, a thirteen-year-old girl of 304 Miller street. They said that Warda had insulted them and struck the girl.

At the police station the negroes said they had been to an entertainment of the Girls' Friendly Society at St. Philip's colored church in a hall at Summer avenue and Fulton street and started home late at night. They said that Warda followed them. They remained in the police station until Warda, who had reluctantly disclosed his identity, was looked up on charges of intoxication and disorderly conduct. When he was arraigned in the Manhattan avenue police court Warda admitted that he had been drinking and said he had no recollection of what he did. His eyes were blackened and his face and neck were scratched. He said he had been afraid to notify his father of his plight.

PARDONED HONEST NEGRO.

Man Who Voluntarily Confessed Murder Gets Out of Jail After 20 Years. ATLANTA, Dec. 16.—Nearly twenty years a convict is considered by Gov. John M. Slaton as punishment enough for a negro who, after committing a murder and fleeing from the State, paid his own railroad fare back from Mississippi to the scene of the crime and confessed, expecting to be hanged for his trouble. He is James Foster, sent up twenty years ago from Early county. The Governor has granted a full pardon.

Twenty-four years ago Seaborn Sheffield, a wealthy planter of Early county, who lived alone, was found dead at the supper table. There was no clue to the murderer and the crime remained a mystery until four years later, when court was in session. Foster came to the Sheriff and said that he was the murderer. He said his conscience drove him to return and confess and he expected to be hanged.

The negro said he had been forced to kill Sheffield by the latter's two sons-in-law, who feared he would change his will. The negro got life sentence but the white men he implicated were acquitted. The negro has been an exemplary prisoner and Gov. Slaton thinks he should be rewarded for confessing the crime when he was in no danger. The pardon of the negro was urged by Justice Arthur Powell of the Court of Appeals, who was a nephew of the murdered man.

SHOOT HIS SON AND HIMSELF.

Samuel P. Ayers of Boston commits suicide after wounding his son mortally. LOS ANGELES, Dec. 16.—Samuel P. Ayers of Boston shot and wounded his son mortally at a hotel early to-day and then committed suicide. Father and son had been here about three months. The elder man lost his wife some time ago and said yesterday to an acquaintance in a barber shop that he had nothing for which to live and wished to die.

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SHOT HERSELF AT TELEPHONE.

Was Talking With the Man She Wanted to Marry Her. May Not Live.

CHICAGO, Dec. 16.—Pleading over the telephone with the man with whom she was infatuated Mrs. Edna Smith Robinson, a wealthy divorcee of Portland, Ore., today shot herself above the heart in her room in the Hotel La Salle. She is lying at the North Chicago Hospital. Frank B. Cockrell, a wealthy grain merchant of Jerseyville, Ill., stood at the other end of the wire in the Hotel Sherman and heard the plea. He admitted at first hearing the revolver shot as the woman tried to take her life. Later he denied his first story.

The woman declares he refused to marry her and for that she sought to take her life. Cockrell denies that he loved the woman. Dr. Carl Beck extracted the bullet several hours after Mrs. Robinson was taken to the hospital. The bullet was found to be lodged in the lung. At a late hour to-night the woman hovered between life and death.

"The bullet has been extracted," said Dr. Beck, "but Mrs. Robinson's condition is serious. We are fighting hard to save her." At the time of the tragedy the telephone operator at the Hotel Sherman heard the woman sobbing over the wire. "Frank, for your own sake, please listen!"

BLAZE AT NEW ST. THOMAS'S

Came From a Pipe in a Workman's Coat Hung in a Locker.

A workman employed in the new St. Thomas's Episcopal Church, at Fifth avenue and Fifty-third street, emptied, or thought emptied, his pipe after tea on Monday evening, stuck the pipe in his coat pocket and hung the coat in a temporary wooden locker in the basement of the new fireproof parish house in Fifty-third street adjoining the church. An hour or so later Sexton E. M. Speer of the church entered the basement of the parish house, which has just been finished, and ran into so much smoke that he turned in an alarm.

Then the sexton sought the Rev. Dr. Stires of St. Thomas's, and while rector and sexton were getting ready to stamp out the fire the flames doused the flames in the coat and the temporary wooden locker. The loss was the cost of the coat and of the scantlings used to build the locker.

St. Thomas's was destroyed by fire on the morning of August 8, 1905. All that was left of the \$300,000 building was the bare shell and the belfry. Among the treasures destroyed were the stained glass windows by John La Farge and a gold bronze bas-relief reredos by Augustus Saint-Gaudens. A temporary frame structure was put up inside the ruins. Last spring work on the new building was begun. The new church is to cost \$1,000,000. Its cornerstone was laid by Bishop Green on November 21.

"HOODOO" DOCK FLOODED.

Big Structure in Brooklyn Navy Yard Soon to Be in Commission.

Dry Dock 4 at the Brooklyn navy yard, which has been known as the "hoodoo" dock because of the large number of fatal accidents during its construction, is nearing completion and is expected to be in commission about the middle of January. It was floated on Friday, Mrs. Harris, wife of Chief Engineer Harris, turned on the first stream of water. C. Richard Holyday, chief of the bureau of yards and docks, who came on from Washington to look over the dock, remarked that he thought the citizens of Brooklyn need not worry much over the possibility of the possible abandonment of the yard.

STORMBEATEN HERE INCOGNITO.

Due de Richelieu Here Incognito—Birthdays Dinner Based on Wireless News.

LA Provence, crack of the French line fleet, yesterday, had rough weather west of the Cape of Hope. The climax of the tumult came on Tuesday night, when the top of a combing armor forward, carrying away a part of the rail on the boat deck, sixty feet above the sea.

Among the Provence's passengers were the Due de Richelieu, travelling incognito and bound for southern Mexico to inspect mines there that he is interested in. The Countess Eugenie de Bocard, formerly Miss Ada Henderson of Alexandria, Va., who will spend the winter in that town; Mrs. Clark, wife of former Senator William A. Clark of Montana, and her two daughters, who were met down the bay by Mr. Clark and who will spend the winter in this city; Louis Rothman, who got news by wireless of the arrival of a son in his home here and celebrated it by a dinner aboard ship; Livingston Phelps, who is studying for the diplomatic service; Leonora Kerwin of the original "Three Girls" company, who has been studying in Paris for grand opera; and Homer Folks.

SANDHOG FALLS 100 FEET.

Plunges Into Catskill Aqueduct Shaft Among Workmen and May Die.

While the sandhogs working in the 120 foot aqueduct shaft at Delancy and Eldridge streets were climbing the ladder which led up to the air lock at the surface just before knocking off work at 7 o'clock last night the body of one of them went tumbling down the shaft and landed among the workmen below. It is supposed he lost his footing on the ladder when near the top of the shaft. Fellow workmen picked him up and carried him to the surface and he was taken to the emergency hospital at the shaft and later to Gouverneur Hospital.

The sandhog is Alexander Burke of 80 North Oxford street, Brooklyn. His right thigh and hip were broken and he has serious internal injuries. He is not expected to live.

LUSITANIA LAGS FOR FOG TO GO

POPULOUS CHRISTMAS SHIP CARRIES A VEXED MARQUIS.

Queensberry Finds a New Reason to Dislike the British—Going to Make Americans of His Children—Steamship Anchors in Gravesend Bay Until Late.

The Cunarder Lusitania, crack of the Christmas ships, was held at her pier at the foot of Fourteenth street, North River, until 6:30 o'clock last evening because her commander, Capt. Charles, was unwilling to risk getting into trouble in the thick fog that set in early in the afternoon. She was not ready, anyhow, to sail on schedule at 4 o'clock, because all her 6,000 tons of coal was not aboard. The Italian coal handlers had refused to work in the rain of the early morning and her supply was not in the bunkers until 1:30. Capt. Charles said then, as he peered seaward through the mist, that he could not see the forecast and that he was going to stay in dock until the air cleared so that he could navigate at least as far as Gravesend Bay. He said he felt confident of making a swift trip, and as he has plenty of time to spare he was not going to butt into anything going down river. The ship moved slowly toward the open, and at 8:12 anchored in Gravesend Bay. The weather outside looking too uncertain for the skipper to venture further. She got up her hook later and cleared the bar at 11:30 P. M.

The Lusitania carries 375 first cabin passengers, more than fifty of whom came down to the pier almost at the last moment for the sailing. The second class passengers and 1,100 in the steerage, mostly Welshmen who entertained the other passengers with song that drifted away up into the waiting rooms at the bulkhead. She also took 1,000 tons of express cargo and 3,000 sacks of Christmas mail.

The Marquis of Queensberry, who was among the departing voyagers, said that he was going back to his old home for the holidays to spend the last Christmas he ever expected to spend in Britain, and that he would return and bring his three children, a girl and two boys, who have been properly educated in America and made American citizens. The Marquis said that he disliked Englishmen and liked Americans and was going to live in Chicago and write sports for the Chicago Tribune. He believed that under a new and more liberal government England might finally be rejuvenated and be worth living in.

CAPT. KEEN SUSPENDED.

Skipper of the Collier Sterling Loses His License for Three Months.

NORFOLK, Va., Dec. 16.—Blaming Capt. E. V. Keen, who commanded the collier Sterling, when she was rammed recently by the steamer Dorothy, steamboat inspectors Tapley and Bray today suspended the Captain for three months. Capt. Timms, commanding the Dorothy, was exonerated of responsibility for the collision. It was the opinion of the inspectors that the Sterling should have kept out of the way of the Dorothy.

Capt. Keen after the collision, finding that his vessel was sinking, drove her ashore at Cape Henry. Water was pouring into a big hole in her starboard quarter and the men in the engine room say the quick action of the men saved their lives. The vessel also would have been lost.

FEARED DYNAMITE PLOT.

Police of Gary, Ind., Thought City Hall and Police Station Might Be Blown Up.

GARY, Ind., Dec. 16.—Discovery of a plot said to have been hatched in Kansas City caused half of the day police force of Gary to be added to the night reserves last night to frustrate any attempt to blow up the City Hall and police station. All incoming trains at the six stations of the city are being watched day and night. Information that conspirators were planning to blow up the City Hall and police station came to Chief of Police J. D. Martin from Chief Wentworth Griffin of Kansas City. Chief Griffin reported that the conversation of a negro and a white man was overheard near the Union Station at Kansas City by an automobile dealer. They were in an alley at night, and one of them carried a grip which they talked about containing nitroglycerine. According to the listener, they said they were on their way to Gary, where they would blow up the City Hall and police station to avenge themselves for a wrong done to them. As soon as the pair left the alley the listener hurried to police headquarters.

FAKE PRIZEFIGHT GAME.

Man Who Was Swindled Out of \$15,000 Seeks Jail Sentence for the Chicago Kid.

WILKESBARRE, Pa., Dec. 15.—Charged with conspiracy to swindle Fritz Holz-nagle of Scranton out of \$15,000 by a fake prizefight game, William J. Keenan, alias the Chicago Kid, was today served with the warrant in the cell in the county prison here. When he manages to get out long enough for a hearing \$30,000 bail will be demanded. Holz-nagle this week won a suit against Keenan to recover the money, getting a verdict of \$18,130, the full amount claimed, with interest, and yesterday Keenan's bondsman, surrendered him and he was placed in jail. Whether Holz-nagle will be able to collect the money from Keenan is doubtful, but he intends, he says, to make the man who led him on to losing \$15,000 in the fake prizefight game serve a term in prison.

HUGHES'S UNLUCKY DAY.

Started Wrong for His Hog Killing and Had to Call a Physician Finally.

WILKESBARRE, Dec. 16.—Albert Hughes, a farmer living near Forksville, lighted a fire early yesterday morning under a boiler preparatory to killing three hogs. He put his own gloves on the fireplace and they were burned up. In adjusting a plank over a barrel filled with hot water in which the hogs were to be scalded Hughes slipped, his legs splashed in the water and he was severely scalded below the knees. An hour later the butcher knife he was using slipped and cut a deep gash four inches long in his arm. Four hours later in adjusting a rendering kettle filled with boiling water Hughes slipped the ladder on the fire and was scorched when it blazed up. At supper a bone stuck in his throat and a physician had to be called to remove it. Then Hughes went to bed.

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SPECIALS (in lb. BOXES). BROKEN CANDY 15c MOLASSES BLOW CANDY 25c ASSORTED CARAMELS 30c ASSORTED CHOCOLATES 30c CHOCOLATE MARSHMALLOWS 30c CHOCOLATE MINT CREAMS 30c CHOCOLATE MINT CHIPS 30c CHOCOLATE MINT PEANUTS 30c CHOCOLATE MINT RICE 30c CHOCOLATE MINT STICKS 30c CHOCOLATE MINT TARTS 30c CHOCOLATE MINT TARTS 30c CHOCOLATE MINT TARTS 30c

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Long coats of French Seal, Broadtail, Persian Lamb, Mole and Mink. Very light in weight.

12,000 DEER KILLED IN MAINE.

Many Moose and Bears Hugged Too—Twelve Human Lives Lost.

BANGOR, Dec. 16.—Maine's big game shooting season came to an end at midnight Friday, when close time began on deer, the moose season having expired on December 1. The record of game killed, estimated on the basis of shipment through Bangor, shows that the deer hunters fared worse and the moose and bear hunters much better than in 1910. The Bangor figures being 2,975 deer, 115 moose and 28 bears, compared with 3,410 deer, 101 moose and 22 bears in 1910. It is estimated that about one-half the deer killed are shipped by rail and that one-half the rail shipments pass through Bangor, which method of calculation would indicate a total kill of 12,000 in the entire State.

AVIATOR PAULHAN SAILS.

Hought, His Hydroaeroplane Promptly, Which Was What He Came For.

Louis Paulhan, the French aviator, sailed for home yesterday on the White Star liner Oceanic after a brief visit to America. M. Paulhan, who was accompanied by Mme. Paulhan, came here to look into the merits of Glenn H. Curtiss's hydroaeroplane. He arrived here on La Touraine on December 11, and went to Hammondsport on Wednesday. There he witnessed a demonstration of the hydroaeroplane by Hugh Robinson, one of the Curtiss fliers. The demonstration lasted more than an hour, Robinson ending it by driving the machine from the water fifty feet up the beach. Before leaving Hammondsport, M. Paulhan bought one of the machines for his own use and also signed contracts giving him the exclusive French agency. M. Paulhan holds the rank of captain in the French army and his trip to America to see the latest Curtiss machine is said to have been prompted by the French Government. The machine bought by M. Paulhan was promised for the middle of January.

A SALE OF WOMEN'S SILK HOSIERY

FOR TO-MORROW (MONDAY).

WOMEN'S FRENCH SILK EMBROIDERED HOSE, BLACK OR WHITE.

USUAL PRICES \$5.00 TO 7.50 PER PAIR AT \$2.90

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IS IN STOCK AT THE FOLLOWING REGULAR PRICES:

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WOMEN'S FULL-LENGTH COATS

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